

1 KAMALA D. HARRIS  
Attorney General of California  
2 ARTHUR D. TAGGART  
Supervising Deputy Attorney General  
3 ELENA L. ALMANZO  
Deputy Attorney General  
4 State Bar No. 131058  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 322-5524  
Facsimile: (916) 327-8643  
7 *Attorneys for Complainant*

8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No.

2011-860

12 **CAROL LEE ISTVANICK,**  
13 **a.k.a. CAROL L. ISTVANICK,**  
**a.k.a. CAROL LEE NORGREN**  
14 **6615 N. Harrison Avenue**  
**Fresno, California 93711**  
15 **Registered Nurse License No. 479392**  
**Nurse Practitioner Certificate No. NP 6018**  
16 **Nurse Practitioner Furnishing Certificate**  
**No. NPF 6018**

**A C C U S A T I O N**

17 Respondent.

18  
19 Complainant alleges:

20 **PARTIES/LICENSE INFORMATION**

21 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her  
22 official capacity as the Executive Officer of the Board of Registered Nursing ("Board"),  
23 Department of Consumer Affairs.

24 2. On or about June 30, 1992, the Board issued Registered Nurse License Number  
25 479392 to Carol Lee Istvanick, also known as Carol L. Istvanick and Carol Lee Norgren  
26 ("Respondent"). Respondent's registered nurse license was in full force and effect at all times  
27 relevant to the charges brought herein and will expire on February 29, 2012, unless renewed.

28 ///

1       3.     On or about June 4, 1992, the Board issued Nurse Practitioner Certificate Number  
2     NP 6018 to Respondent. Respondent's nurse practitioner certificate was in full force and effect at  
3     all times relevant to the charges brought herein and will expire on February 29, 2012, unless  
4     renewed.

5       4.     On or about February 9, 1994, the Board issued Nurse Practitioner Furnishing  
6     Certificate Number NPF 6018 to Respondent. Respondent's nurse practitioner furnishing  
7     certificate was in full force and effect at all times relevant to the charges brought herein and will  
8     expire on February 29, 2012, unless renewed.

9                     **STATUTORY AND REGULATORY PROVISIONS**

10       5.     Business and Professions Code ("Code") section 2750 provides, in pertinent part, that  
11     the Board may discipline any licensee for any reason provided in Article 3 (commencing with  
12     section 2750) of the Nursing Practice Act.

13       6.     Code section 2764 provides, in pertinent part, that the expiration of a license shall not  
14     deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or  
15     to render a decision imposing discipline on the license. Under Code section 2811, subdivision  
16     (b), the Board may renew an expired license at any time within eight years after the expiration.

17       7.     Code section 2761 states, in pertinent part:

18                     The board may take disciplinary action against a certified or licensed  
19                     nurse or deny an application for a certificate or license for any of the following:

20                     (a) Unprofessional conduct . . .

21                     . . . .

22                     (d) Violating or attempting to violate, directly or indirectly, or assisting in  
23                     or abetting the violating of, or conspiring to violate any provision or term of this  
24                     chapter or regulations adopted pursuant to it . . .

24       8.     Code section 2725 states, in pertinent part:

25                     . . . .

26                     (c) "Standardized procedures," as used in this section, means either of the  
27                     following:

28                     (1) Policies and protocols developed by a health facility licensed pursuant  
29                     to Chapter 2 (commencing with Section 1250) of Division 2 of the Health and Safety

Code through collaboration among administrators and health professionals including physicians and nurses.

(2) Policies and protocols developed through collaboration among administrators and health professionals, including physicians and nurses, by an organized health care system which is not a health facility licensed pursuant to Chapter 2 (commencing with Section 1250) of Division 2 of the Health and Safety Code.

The policies and protocols shall be subject to any guidelines for standardized procedures that the Division of Licensing of the Medical Board of California and the Board of Registered Nursing may jointly promulgate. If promulgated, the guidelines shall be administered by the Board of Registered Nursing.

(d) Nothing in this section shall be construed to require approval of standardized procedures by the Division of Licensing of the Medical Board of California, or by the Board of Registered Nursing . . . .

9. Code section 2726 states that "[e]xcept as otherwise provided herein, this chapter confers no authority to practice medicine or surgery."

10. California Code of Regulations, title 16, section ("Regulation") 1470 states:

The Board of Registered Nursing in conjunction with the Medical Board of California (see the regulations of the Medical Board of California, Article 9.5, Chapter 13, Title 16 of the California Code of Regulations) intends, by adopting the regulations contained in the article, to jointly promulgate guidelines for the development of standardized procedures to be used in organized health care systems which are subject to this rule. The purpose of these guidelines is:

(a) To protect consumers by providing evidence that the nurse meets all requirements to practice safely.

(b) To provide uniformity in development of standardized procedures.

11. Regulation 1471 states:

For purposes of this article:

(a) "Standardized procedure functions" means those functions specified in Business and Professions Code Section 2725(c) and (d) which are to be performed according to "standardized procedures";

(b) "Organized health care system" means a health facility which is not licensed pursuant to Chapter 2 (commencing with Section 1250), Division 2 of the Health and Safety Code and includes, but is not limited to, clinics, home health agencies, physicians' offices and public or community health services;

(c) "Standardized procedures" means policies and protocols formulated by organized health care systems for the performance of standardized procedure functions.

///

1 12. Regulation 1472 states:

2 An organized health care system must develop standardized procedures  
3 before permitting registered nurses to perform standardized procedure functions. A  
4 registered nurse may perform standardized procedure functions only under the  
5 conditions specified in a health care system's standardized procedures; and must  
6 provide the system with satisfactory evidence that the nurse meets its experience,  
7 training, and/or education requirements to perform such functions.

8 13. Regulation 1474 states, in pertinent part:

9 Following are the standardized procedure guidelines jointly promulgated  
10 by the Medical Board of California and by the Board of Registered Nursing:

11 (a) Standardized procedures shall include a written description of the  
12 method used in developing and approving them and any revision thereof.

13 (b) Each standardized procedure shall:

14 (1) Be in writing, dated and signed by the organized health care system  
15 personnel authorized to approve it.

16 . . . .

17 (5) Establish a method for initial and continuing evaluation of the  
18 competence of those registered nurses authorized to perform standardized procedure  
19 functions.

20 . . . .

21 (11) Provide for a method of periodic review of the standardized  
22 procedures.

### 23 COST RECOVERY

24 14. Code section 125.3 provides, in pertinent part, that the Board may request the  
25 administrative law judge to direct a licensee found to have committed a violation or violations of  
26 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
27 enforcement of the case.

### 28 FIRST CAUSE FOR DISCIPLINE

#### (Unprofessional Conduct)

15 15. At all times relevant herein, Respondent was the owner and chief executive officer of  
16 Tower Clinic for Women and Children, a Nurse Practitioner and Nursing Midwife Group, Inc., a  
17 full service family clinic located in Fresno, California.

18 ///

1 16. On or about May 1, 2000, Respondent and her supervising physicians, Marc David  
2 Lasher, D.O. and David R. Pepper, M.D., signed "Standardized Procedures Process Protocols" for  
3 the operation of the clinic. The protocols provided that the standardized procedures were to be  
4 reviewed every three years and "as practice changes by the IDPC (Interdisciplinary Practice  
5 Committee)," and that evaluation of the nurses' competence in the performance of the  
6 standardized procedure functions was to be conducted annually after the first year by the nurse  
7 manager through feedback from colleagues, physicians, and chart review.

8 17. Respondent is subject to disciplinary action pursuant to Code section 2761,  
9 subdivision (a), in that she committed acts constituting unprofessional conduct, as follows:

10 a. In and between 2007 and April 1, 2008, Respondent offered medical services,  
11 including, but not limited to, allergy testing and treatment, without standardized procedures or  
12 protocols in place and without a documented contractual/collaborative agreement with either Dr.  
13 Pepper or Dr. Lasher.

14 b. On and between May 1, 2000, and April 1, 2008, Respondent failed to ensure that the  
15 clinic's standardized procedures were renewed or reviewed every three years, and failed to have  
16 her clinical competency or competency to perform the standardized procedure functions  
17 evaluated.

18 **SECOND CAUSE FOR DISCIPLINE**

19 **(Violations of the Code)**

20 18. Complainant incorporates by reference as though fully set forth herein the allegations  
21 contained in paragraphs 15 and 16 above.

22 19. Respondent is subject to disciplinary action pursuant to Code section 2761,  
23 subdivision (d), in that she violated or attempted to violate, directly or indirectly, or assisted in or  
24 abetted the violation of, or conspired to violate, Code section 2726 by committing acts  
25 constituting the unauthorized practice of medicine, as set forth in subparagraph 17 (a) above.

26 ///

27 ///

28 ///

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 479392, issued to Carol Lee Istvanick, also known as Carol L. Istvanick and Carol Lee Norgren;

2. Revoking or suspending Nurse Practitioner Certificate Number NP 6018, issued to Carol Lee Istvanick, also known as Carol L. Istvanick and Carol Lee Norgren;

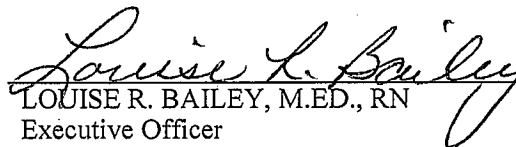
3. Revoking or suspending Nurse Practitioner Furnishing Certificate Number NPF 6018, issued to Carol Lee Istvanick, also known as Carol L. Istvanick and Carol Lee Norgren;

4. Ordering Carol Lee Istvanick, also known as Carol L. Istvanick and Carol Lee Norgren, to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

5. Taking such other and further action as deemed necessary and proper.

DATED: \_\_\_\_\_

4/19/11



LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

SA2010102865